REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Office Action mailed July 21, 2009. Claims 1-15 remain in this application. Claims 1, 3, 6, 10 and 14 have been amended. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claim Objections

In the Office Action, Claims 3, 6 and 10 were objected to for minor informalities. Claims 3, 6 and 10 have been amended in a manner which is believed to obviate the objections. Accordingly, withdrawal of the objections is respectfully requested.

Double Patenting

Claims 1-15 stand provisionally rejected under the doctrine of non-statutory obviousness-type double patenting over claims 1-4 and 6-26 of co-pending U.S. Patent Application No. 10/521,719.

In response, a terminal disclaimer is being submitted herewith to overcome this rejection. The current application along with co-pending U.S. Patent Application No. 10/521,719 have been previously commonly assigned to Koninklijke Philips Electronics N.V.

Rejections under 35 U.S.C. §103)

In the Office Action, Claims 1-15 stand rejected under 35 U.S.C. §103(a) over U.S. Patent Pub. No. 2003/0120920 ("Svensson") in view of European Patent EP 0756397 A2 ("Varadharajan"). Applicants respectfully traverse the rejections.

Claims 1-13 are allowable

The cited portions of Svensson and Varadharajan, individually or in combination, fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Svensson fail to disclose or suggest, " *a first portable unit (1)* ***for exclusive use during a configuration stage, the first portable unit*** *comprising: a memory (3) for storing a worldwide*

unambiguous key record (4), a first transmitter (6) provided for short-range information transmission of the key record (4) to at least one apparatus (2) of the network during ***[[a]]*** ***said*** *configuration stage to be stored in said at least one apparatus,* ***thereby provisioning the at least one apparatus during said configuration stage",*** as recited in claim 1 (Emphasis Added).

In contrast to claim 1, the cited portions of Svensson disclose a system and method for provisioning a non-provisioned device that operates in a different manner than the present invention. In particular, Svensson discloses at par. 25, a remote authentication method that authenticates non-provisioned devices that can communicate with a provisioned device.

According to the method of Svensson, a non-provisioned device 18, receives an authentication challenge from a WLAN 20. The non-provisioned device 12 transmits the authentication challenge to the provisioned device 12. The provisioned device 12 then calculates an authentication response based on the user's key and transmits the authentication response to the non-provisioned device 18, across a Bluetooth link 24. The non-provisioned device 18 transmits the authentication response to the WLAN 20 which compares the received authentication response to an expected authentication response to complete the authentication procedure.

In this manner, the provisioned device 12 may authenticate any number of non-provisioned devices 18, all using the single key contained in the user's provisioned device. Applicants respectfully note some key distinctions between Svensson and the present invention. First, it should be noted that, according to the method of Svensson, as described above, **the user's key is never transmitted to any other device**. In other words, it remains resident with the provisioned device for the purpose of facilitating the calculation of the authentication response upon receiving a forwarded authentication challenge from a non-provisioned device. The only entities that are transmitted in the network of Svensson are **authentication challenges and responses**. In particular, Svensson discloses four separate and distinct transmissions including: (1) an **authentication challenge** transmitted from the WLAN 20 to the non-provisioned device 18, (2) the **authentication challenge** forwarded from the non-provisioned device 18 to the provisioned device, (3) an **authentication**

response forwarded from the provisioned device 12 to the non-provisioned device 18, (4) the **authentication response** transmitted from the non-provisioned device 18 to the WLAN 20. In other words, the user's key, resident in provisioned device 12, is never transmitted according to the method of Svensson. This is in contrast to the method of the invention in which the key is transmitted from the portable unit to all apparatuses desiring to become part of the network. The key transmissions all occur during a configuration stage. Once the apparatuses have received and stored the key from the portable unit, they may participate in the authentication stage. As a further note of distinction, Svensson **does not teach a two stage process, i.e., configuration stage / authentication stage for configuring and authenticating devices of the network,** as recited in claim 1. Instead, the non-provisioned devices 18 of Svensson are authenticated with the assistance of the provisioned device 12 during a single stage of operation.

The configuration / authentication stages are now described in greater detail. The security system of the invention operates in two stages: a configuration stage and an authentication stage. During the configuration stage, the first portable unit is a storage item which stores the worldwide unambiguous key record. The key record is transmitted, using RF transponder technology, short-range, to at least one apparatus of a network during the configuration stage. Once the key record has been transmitted to all of the apparatus desiring to become members of the network, the configuration stage terminates and **the portable unit is no longer needed.** The at least one apparatus now stores the unambiguous key record and is capable of communicating with other apparatuses in the network during the next stage referred to as authentication. As stated above, the portable unit is not needed nor is it present during authentication. This feature is in clear contrast to Svensson in which both the provisioned device 12 and the non-provisioned device 18 **must both be present during the single authentication stage**.

As a further point of distinction, unlike the present invention in which the key is configured by the portable unit, preferably via RF transmission, into the at least one apparatus, the key in Svensson is never configured into the non-provisioned device 18, as recited in claim 1. Instead, the key remains resident with the provisioned device 12 in

Svensson and the only thing that is transmitted over the network are authentication challenges and responses, as described above.

Applicant's specification discloses, by way of example at pages 10-11, how a user would install a PC 2 in a home network. According to the example, a user wishes to install a PC 2 in a home network and radio-connect it to a hi-fi installation in order to play back a plurality of music files in MP3 format on the hi-fi installation. The user, during the **configuration stage**, approaches the PC 2 with the portable unit 1 and **initiates a transmission of a key record 4** stored in the internal memory of the portable unit 1 by directing the transmitter of the unite 1 from a distance of several centimeters at the receiver 9 and pressing a transmit button 5 on the unit 1. The input of the key record 4 is repeated for all apparatuses of the home network which the user would like to receive access to the home network. The reader can envision other devices for use with a home network.

By approaching the apparatus with the portable unit in the vicinity of the receiving unit during configuration, the user need not have any knowledge about the content of the key record. Claim 1, as amended, recites in relevant part, a first portable unit used exclusively during the configuration sate for providing short-range information transmission of the key record to at least one apparatus:

The cited portions of the secondary cited reference, Varadharajan do not rectify the deficiencies in Svensson. That is, the cited portions of Varadharajan do not teach or suggest

(I) a first portable unit (1) for exclusive use during a configuration stage, the first portable unit comprising:

a memory (3) for storing a worldwide unambiguous key record (4),

a first transmitter (6) provided for short-range information transmission of the key record (4) to at least one apparatus (2) of the network during [[a]] said configuration stage to be stored in said at least one apparatus, thereby provisioning the at least one apparatus during said configuration stage

Instead, the cited portions of Varadharajan describe two devices (i.e., host and portable device) intending to "remotely" communicate with each other over an insecure

communications network. To encrypt the communication, the devices exchange key material over a second secure channel (i.e., an IR channel) referred to as "direct communication means".

Thus, the cited portions of Svensson and Varadharajan, individually or in combination, do not disclose or suggest, " *a first portable unit (1)* ***for exclusive use during a configuration stage, the first portable unit*** *comprising: a memory (3) for storing a worldwide unambiguous key record (4), a first transmitter (6) provided for short-range information transmission of the key record (4) to at least one apparatus (2) of the network during* ***[[a]] said*** *configuration stage to be stored in said at least one apparatus,* ***thereby provisioning the at least one apparatus during said configuration stage",*** as recited in claim 1 (Emphasis added). Hence, claim 1 is allowable. Claims 2-13 depend from independent Claim 1, which Applicant has shown to be allowable. Accordingly, claims 2-13 are also allowable, at least by virtue of their dependency from claim 1.

Claims 14 and 15 are allowable

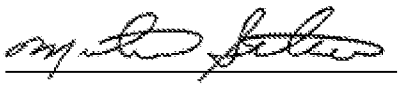
Independent Claims 14 and 15 recite similar subject matter as Independent Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 14 and 15 are believed to recite statutory subject matter under 35 USC 103(a).

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-15 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



Michael A. Scaturro
Reg. No. 51,356
Attorney for Applicant

Mailing Address:
Intellectual Property Counsel
Philips Electronics North America Corp.
P.O. Box 3001
345 Scarborough Road
Briarcliff Manor, New York 10510-8001